

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TOBIAS REID,)	CASE NO. 1:07 CV 910
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
CITY OF CLEVELAND HEIGHTS,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

On March 28, 2007, petitioner pro se Tobias Reid filed the above-captioned in forma pauperis habeas corpus action under 28 U.S.C. § 2254. Reid seeks to challenge suspension of his driver's license after a traffic accident. As grounds for the petition, he asserts: 1) the trial court erred in not granting petitioner a continuance to call expert witnesses; 2) the trial court erred in accepting officers testimony; and 3) the conviction of the trial court was against the manifest weight of the evidence. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted all

available state remedies. 28 U.S.C. § 2254.

There is no indication on the face of the petition that Reid seeks to raise an issue cognizable in habeas corpus, as he does not set forth federal constitutional grounds reasonably suggesting he might be entitled to relief. This is substantiated by the Ohio Court of Appeals decision affirming Reid's convictions for failing to keep an assured clear distance and failure to stop after an accident, City of Cleveland Heights v. Reid, No. 85594, 2006 WL 134821 (Cuy. Cty. App. Jan. 19, 2006), wherein no constitutional grounds are raised.

Accordingly, the request to proceed in forma pauperis is granted, the petition is denied, and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

6/8/07
Date

Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

FILED

JUN 08 2007

U.S. DISTRICT COURT W.D.O.
2007 CIVIL NO. 1:07-cv-00910-CAB